

**AMENDMENT**

**IN THE CLAIMS**

Please amend the claims as follows. Please add new dependent claims 41-45. This listing of claims will replace all prior versions and listings of the claims in the present application.

1. (Currently Amended) A substantially purified nucleic acid molecule comprising a nucleic acid sequence wherein the nucleic acid sequence:

i) hybridizes under ~~stringent~~ low stringency conditions with a sequence of SEQ ID NO: 1 or a complement thereof; or

ii) exhibits an 85% or greater identity to a sequence of SEQ ID NO: 1.

2. (Previously presented) The nucleic acid molecule of claim 1, wherein the nucleic acid sequence exhibits a 90% or greater identity to a nucleic acid sequence of SEQ ID NO: 1.

3. (Previously presented) The nucleic acid molecule of claim 1, wherein the nucleic acid sequence exhibits a 95% or greater identity to a nucleic acid sequence of SEQ ID NO: 1.

4. (Previously presented) The nucleic acid molecule of claim 1, wherein the nucleic acid sequence exhibits a 99% or greater identity to a nucleic acid sequence of SEQ ID NO: 1.

5. (Previously presented) The nucleic acid molecule of claim 1, wherein said nucleic acid sequence comprises a sequence of SEQ ID NO: 1.

Claims 6-7 (Cancelled)

8. (Previously presented) The nucleic acid sequence of claim 1, wherein the nucleic acid molecule further comprises one or more cis-acting nucleic acid elements.

9. (Previously presented) The nucleic acid molecule of claim 1, wherein the nucleic acid molecule further comprises a 5' leader sequence selected from the group consisting of dSSU 5', PetHSP70 5', and GmHSP17.9 5'.

10. (Previously presented) The nucleic acid molecule of claim 1, wherein the nucleic acid molecule further comprises a 3' untranslated region.

11. (Previously presented) The nucleic acid molecule of claim 10, wherein the 3' untranslated region is selected from the group consisting of NOS 3', E9 3', ADR12 3', 7S $\alpha$  3', 11S 3', and albumin 3'.

Claims 12-37. (Cancelled)

38. (Previously presented) A substantially purified nucleic acid molecule that comprises a nucleotide sequence of SEQ ID NO: 1 or a complement thereof.

39. (Previously presented) A substantially purified nucleic acid molecule that consists of a nucleotide sequence of SEQ ID NO: 1 or a complement thereof.

40. (Previously presented) A transgenic plant comprising a recombinant nucleic acid molecule having the nucleic acid sequence of claim 1.

41. (New) A host cell comprising a recombinant nucleic acid molecule having the nucleic acid molecule of claim 1.

42. (New) The host cell of claim 41, wherein said host cell is a plant cell.

- 43. (New) A transgenic organism comprising the host cell of claim 41.
- 44. (New) The transgenic organism of claim 43, wherein said organism is a plant.
- 45. (New) A transgenic plant consisting of host cells of claim 41.